

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

MA'LISSA SIMMONS, MONTERRUS)
MARSHALL, YOLANDA CARRAWAY)
and DELANA PRUITT, on behalf of themselves) CIVIL ACTION NO. 07-CV-496
and all others similarly situated,)
)
Plaintiffs,)
v.)
)
UNITED MORTGAGE AND LOAN INVESTMENT,)
LLC, ARTHUR E. KECHIJIAN, LARRY E. AUSTIN,)
AUSTIN INVESTMENTS, L.P., KECHIJIAN)
INVESTMENTS, L.P., UMLIC CONSOLIDATED,)
INC., UMLIC HOLDINGS, LLC, UMLIC-SEVEN)
CORP., UNITED MORTGAGE HOLDINGS, LLC, and)
UNITED MORTGAGE LOAN AND INVESTMENT,)
L.L.C.)
)
Defendants.)

DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINT
FOR FAILURE TO STATE A CLAIM

Defendants respectfully move the Court pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss Plaintiffs' North Carolina Wage and Hour Act claims arising under N.C.G.S. § 95-25.1 *et seq.* and their Fair Labor Standards Act record keeping claim brought in their Amended Complaint for failure to state claims upon which relief can be granted.

In support of this motion, Defendants proffer their Memorandum of Law in Support of Motion to Dismiss Amended Complaint for Failure to State a Claim filed simultaneously herewith.

This 15th day of April, 2008.

/s/ Kevin V. Parsons
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing “Defendants Motion to Dismiss Amended Complaint for Failure to State a Claim” in the above-captioned proceeding has been electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send notification to the following:

Burton Craige
Leto Copeley
Jessica E. Leaven
PATTERSON HARKAVY LLP
100 Europa Drive, Suite 250
Chapel Hill, North Carolina 27517

This the 15th day of April, 2008.

/s/ Kevin V. Parsons
N.C. State Bar No. 19226
Attorney for Defendants
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